

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BIOMEDINO, LLC,

Plaintiff,

v.

WATERS CORPORATION, GENERAL
ELECTRIC COMPANY, d/b/a GE
HEALTHCARE, and AGILENT
TECHNOLOGIES, INCORPORATED,

Defendants.

No. CV05-0042L

**JOINT MOTION AND ORDER
APPOINTING PROFESSOR
EMERITUS KENNETH WALSH AS
TECHNICAL ADVISOR TO THE
COURT**

**Noted on Motion Calendar
May 20, 2005**

JOINT MOTION

By its April 26, 2005 Minute Order Setting Trial Date and Related Dates (“the Scheduling Order”), the Court has indicated that it may appoint a technical advisor to assist the Court during claim construction proceedings and/or the trial of this matter. To that end, the Court ordered the parties, within 14 days of the date of the Scheduling Order, to confer and submit the resumes of three qualified individuals who are willing to serve as a technical advisor in this matter. At the Parties’ joint request, that deadline was subsequently extended to May 24, 2005 by the Court’s Order dated May 16, 2005.

Plaintiff Biomedino, LLC and defendants Waters Corporation, General Electric Co., and Agilent Technologies, Inc. (collectively, “the Parties”) have jointly identified a mutually

1 agreeable candidate who possesses the necessary technical knowledge for this case —
2 Kenneth A. Walsh, Emeritus Professor of Biochemistry at the University of Washington.
3 Professor Walsh has a long and distinguished career in proteins and biochemistry. He has
4 been active in the field of proteins and protein analysis since the late 1950s, so he has hands-
5 on experience in the area of protein analysis using chromatography and mass spectrometry at
6 the time of filing the patent-in-suit. Professor Walsh's curriculum vitae and contact
7 information are attached hereto as Exhibit A. The Parties are advised that Professor Walsh
8 would prefer that any written correspondence be directed to his home address.

9 The Parties are in agreement that Professor Walsh should be appointed by the Court,
10 that all conflicts have been cleared, and that they will bear the costs of Professor Walsh's
11 appointment should the Court appoint him. Accordingly, the Parties hereby jointly move the
12 Court for an order appointing Professor Walsh as the Technical Advisor to the Court in this
13 matter. A proposed form of order follows.

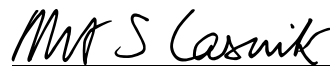
14 ORDER

15 The Court hereby ORDERS as follows:

- 16 1. That Professor Kenneth Walsh be appointed to serve as technical advisor to the
17 Court.
18 2. Unless otherwise directed by the Court, the Parties agree that the costs
19 associated with Professor Walsh's services be split equally between the current four parties.

20 IT IS SO ORDERED.

21 DATED: May 24, 2005

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23 Robert S. Lasnik
24 United States District Judge
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